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12 *Attorneys for Defendants*

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 REARDEN LLC and REARDEN MOVA
LLC,

Case No. 3:17-cv-04006-JST

18 Plaintiffs,

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING DEFENDANTS'
MOTIONS TO DISMISS PURSUANT TO
FRCP 12(b)(6) OR, ALTERNATIVELY,
TO STAY**

19 vs.

Judge: Hon. Jon S. Tigar

20 THE WALT DISNEY COMPANY, WALT
DISNEY MOTION PICTURES GROUP,
INC., BUENA VISTA HOME
ENTERTAINMENT, INC., MARVEL
STUDIOS, LLC, and MANDEVILLE FILMS,
INC.,

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24 Defendants.

STIPULATION AND [PROPOSED] ORDER

Plaintiffs Rearden LLC and Rearden MOVA LLC (“Plaintiffs”) and Defendants The Walt Disney Company, Walt Disney Motion Pictures Group Inc., Buena Vista Home Entertainment Inc., Marvel Studios LLC, and Mandeville Films Inc. (“Defendants”), by and through their counsel of record, stipulate as follows:

WHEREAS, on July 17, 2017, Plaintiffs filed their complaint against Defendants (Dkt. 1) and Defendants were all served by July 31, 2017;

WHEREAS, by joint stipulation, the parties agreed that Defendants' deadline to answer or otherwise respond to the complaint would be extended to and including September 15, 2017 (Dkt. 32);

WHEREAS, on July 31, 2017, this Court found that the above-captioned case (*Rearden v. Disney*) is related to the following cases, which are now pending before this court (Dkt. 19):

- *Shenzhenhai Haitiecheng Science and Technology v. Rearden LLC*, No.15-cv-00797-JST (*SHST v. Rearden*)
 - *Rearden LLC v. Paramount Pictures Corp.*, No. 17-cv-04192-JST (*Rearden v. Paramount*)
 - *Rearden LLC v. Crystal Dynamics, Inc.*, No. 17-cv-04187-JST (*Rearden v. Crystal Dynamics*)
 - *Rearden LLC v. Twentieth Century Fox Film Corp.*, No. 17-cv-04191-JST (*Rearden v. Fox*)

WHEREAS, the Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v. Paramount* all intend to file motions to dismiss the complaints pursuant to Fed. R. Civ. P. 12(b)(6), or, alternatively, to stay proceedings in those cases in the event the Court certifies the requested entry of judgment pursuant to Fed. R. Civ. P. 54(b) in *SHST v. Rearden* and also grants Virtual Global Holdings Limited's forthcoming motion to stay proceedings in that case pending the disposition of an immediate appeal pursuant to Rule 54(b);

1 **WHEREAS**, the Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v.*
2 *Paramount* are represented by the same counsel and will be making similar arguments in support
3 of their dismissal motions on common issues;

4 **WHEREAS**, counsel for Plaintiffs and for the Defendants in *Rearden v. Disney*, *Rearden*
5 *v. Fox*, and *Rearden v. Paramount* have met and conferred regarding the most efficient way to file
6 documents related to Defendants' upcoming motions to dismiss and have agreed upon the
7 following procedure:

- 8 • Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v. Paramount* will
9 file the same consolidated Motion to Dismiss or Stay and supporting papers in all
10 three cases;
- 11 • Plaintiffs will file the same consolidated Opposition and supporting papers in all
12 three cases;
- 13 • Defendants will file the same consolidated Reply and supporting papers in all three
14 cases; and
- 15 • Defendants' consolidated Motion to Dismiss or Stay will be within the applicable
16 page and other limitations of this Court's Local Rules. Plaintiffs and Defendants
17 presently intend for their consolidated Opposition and Reply papers, respectively,
18 to be within the same limitations. This stipulation does not preclude either side
19 from seeking an extension of those limitations, either by stipulation or Order based
20 on good cause.

21 **WHEREAS**, the purpose of the foregoing procedure is to ensure that the Court and
22 opposing counsel will need to review only one set of briefing papers in dealing with these Motions
23 while preserving the record of each set of filings concerning the Motions in each of the respective
24 case dockets;

25 **WHEREAS**, the parties further agree that if Defendants file their Rule 12(b)(6) motions
26 on September 15, 2017, Plaintiffs' responsive brief and supporting materials will be due on
27 October 16, 2017, Defendants' reply brief and supporting materials will be due on November 2,
28 2017; and Defendants will notice the Motions for hearing on November 16, 2017, at 2:00 p.m.;

1 **WHEREAS**, the parties will confer with one another and the Courtroom Deputy regarding
2 a procedure to propose to the Court in the Joint Case Management Statement regarding the
3 coordination of all of the related cases so that parties may file documents in only one master
4 docket;

5 **WHEREAS**, the Defendants in *Rearden v. Crystal Dynamics* are not represented by
6 counsel for the Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v. Paramount*, and
7 therefore any motion directed to the pleading that Defendants in *Rearden v. Crystal Dynamics* will
8 not present the need for a single consolidated brief; nevertheless, to ensure a coordinated briefing
9 schedule and the need for the Court to consider and hear all motions directed to the pleadings at
10 the same time, Plaintiffs will agree that briefing on any motion filed by the parties to *Rearden v.*
11 *Crystal Dynamics* shall take place according to the same time and page-limit schedule set forth
12 above;

13 **NOW THEREFORE**, for good cause, the parties in the *Rearden v. Disney*, *Rearden v.*
14 *Fox*, and *Rearden v. Paramount* cases stipulate that the documents relevant to Defendants'
15 motions to dismiss the complaints and Plaintiffs' responsive brief in these cases will be filed
16 pursuant to the procedure and deadlines set forth above.

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1 **IT IS SO STIPULATED.**

2 DATED: September 14, 2017

HAGENS BERMAN SOBOL SHAPIRO

5 By: /s/ Mark S. Carlson
6 MARK S. CARLSON

7 *Attorneys for Plaintiffs*

8 DATED: September 14, 2017

MUNGER, TOLLES & OLSON LLP

11 By: /s/ Kelly M. Klaus
12 KELLY M. KLAUS

13 *Attorneys for Defendants*

15 **CIVIL LOCAL RULE 5-1 ATTESTATION**

16 I, Kelly M. Klaus, am the ECF user whose credentials were utilized in the electronic filing
17 of this document. In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that Mark S.
18 Carlson concurred in the filing of this document.

20 /s/ Kelly M. Klaus
21 Kelly M. Klaus

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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5 DATED: September 15, 2017
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The Honorable Jon S. Tigar